

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

MARTINSBURG DIVISION

JASON STEVEN KOKINDA,

Plaintiff,

v.

CIVIL ACTION NO. 3:21-cv-00154

COPRL T.H. FOSTER, et al.,

Defendants.

ORDER

Pending before the Court is Plaintiff Jason Steven Kokinda’s (“Plaintiff”) motion to amend. (ECF No. 107.) By Order entered in this case on January 27, 2022, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition (“PF&R”). (ECF No. 10.) Magistrate Judge Eifert filed her PF&R on May 10, 2024, recommending that this Court deny Plaintiff’s motion to amend. (ECF No. 122.) The Court hereby **ADOPTS** the PF&R and **DENIES** the motion.

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general

and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on May 28, 2024. (ECF No. 122.) To date, Plaintiff has not filed any objections.¹ Plaintiff has thus waived his right to *de novo* review. The Court therefore **ADOPTS** the PF&R, (*id.*), and **DENIES** Plaintiff's motion to amend, (ECF No. 107).

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 24, 2024



THOMAS E. JOHNSTON, CHIEF JUDGE

¹ On June 17, 2024, Plaintiff filed a motion seeking an extension of time to file his objections. (ECF No. 124.) Seeing how this motion was filed several weeks after any objections were due, the Court **DENIES** that motion as **MOOT**.